REMARKS

Summary of the Office Action

Claims 9 and 10 stand rejected under 35 U.S.C. § 101 as allegedly being directed to "non-statutory subject matter."

Claim 9 stands rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

Claims 1-5 and 7-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Talluri et al. (U.S. Patent No. 6,304,607) (hereinafter "Talluri").

Claim 6, while objected to as being dependent on a rejected base claim, would be allowable if rewritten in independent form.

Summary of the Response to the Office Action

Applicant has amended independent claims 1, 7, 9 and 10 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Accordingly, claims 1-10 remain pending for consideration.

Rejection under 35 U.S.C. § 101

Claims 9-10 stand rejected under 35 U.S.C. § 101 as allegedly being directed to "non-statutory subject matter." These claims have been newly-amended to be directed to a "recording medium where a program for executing a data reading method of reading variable length-coded data is computer-readably recorded." As a result, these claims now describe a program causing a computer to execute a method that is tangibly embodied on a computer readable medium in

accordance with the Examiner's comments provided at page 2, section 2 of the Office Action. Accordingly, for at least these reasons, Applicant respectfully requests that the rejections under 35 U.S.C. § 101 be withdrawn.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claim 9 stands rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Applicant has amended claim 9 by incorporating the Examiner's helpful suggestion at page 2, section 4 of the Office Action. Accordingly, Applicant respectfully submits that claim 9, as amended, fully complies with 35 U.S.C. § 112, second paragraph. As a result, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph is respectfully requested.

Rejections under 35 U.S.C. § 102(b)

Claims 1-5 and 7-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Talluri. Applicant has amended independent claims 1, 7 and 9 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. To the extent that these rejections might be deemed to apply to independent claims 1, 7 and 9 as newly-amended, they are respectfully traversed for at least the following reasons.

Newly-amended independent claim 1 of the instant application describes a data reading method of reading variable length-coded data including an advantageous combination of features including "a first code word reading step of sequentially reading a series of code words partitioned by a resynchronization marker;" "a resynchronization marker detecting step of detecting a next resynchronization marker, positioned between a current code word and a next

code word at a time of starting decode operation with respect to the current code word, read out in the first code word reading step;" and "a decoding step of carrying out a decoding process with respect to the current code word after detecting the next resynchronization marker."

Applicant respectfully submits that, in the disclosure of Talluri, a next resynchronization marker is detected only after an error occurs in decoding signals. On the other hand, in the present invention, as described, for example, in newly-amended independent claim 1 of the instant application, a next resynchronization marker is detected before decoding signals. This feature of newly-amended independent claim 1 is fully supported in the specification of the instant application, for example, at the following portions of the paragraph beginning at page 7, line 16:

"On the other hand, according to the data reading method of the present embodiment, when a usual variable length coding method is used (i.e. a proposed system (2) in FIG. 8), the next resynchronization marker (a) is detected in advance. Therefore, a byte length (a bit length) between the resynchronization markers is known in advance. In other words, a byte length or a bit length of the video packet is known in advance. Accordingly, when the resynchronization marker (a) cannot be recognized when the decoding proceeds to this marker, a contradiction occurs between a decoded byte (or bit) length and a value of this portion. As a result, the presence of the error is identified. In other words, a position of the error within the video packet can be known, and the next video packet can be decoded correctly. Consequently, the next video packet becomes a portion (d) that can be decoded correctly. Further, the portion (e) erroneously decided as being correctly decoded and a data abandoned portion (c) decrease. In other words, based on the identification of an error, a portion that needs not be decoded decreases. This means that there is no risk of the error propagating to the next video packet (emphasis added)."

Accordingly, Applicant respectfully submits that Talluri does not teach or suggest all of the features of newly-amended independent claim 1 of the instant application. Accordingly,

Applicant respectfully submits that independent claim 1 is not anticipated by the Talluri reference. Applicant has amended independent claims 7 and 9 to include similar features as newly-amended independent claim 1. Accordingly, similar arguments also apply to the independent claims 7 and 9 as discussed above with regard to newly-amended independent claim 1.

Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. § 102(b) should be withdrawn because Talluri does not teach or suggest each feature of the independent claims, as amended, as discussed above. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicant respectfully asserts that the dependent claims are allowable at least because of their dependence from independent claim 1, 7, or 9, and the reasons set forth above. The Examiner is thanked for the indication that claim 6 includes allowable subject matter, but claim 6 is also allowable because of it's dependent from independent claim 1. Accordingly, withdrawal of the objection to claim 6 is thus respectfully requested.

CONCLUSION

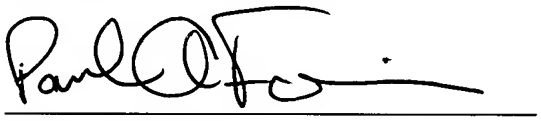
In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this

response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: September 7, 2007 By: 

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